

BUSINESS REPORT

**MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION**

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Date: Monday, March 23, 2009

Time: 3:00 pm

Place: Capitol

Room: 317-A

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 85

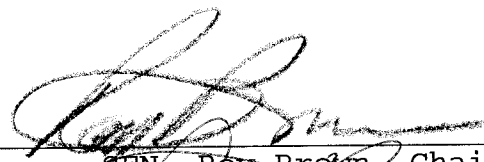
EXECUTIVE ACTION TAKEN:

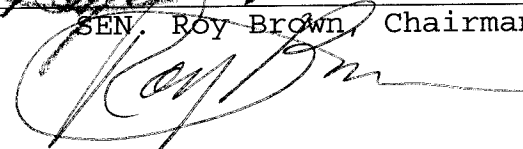
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB85 AS AMENDED DO CONCUR

HB409 AS AMENDED " "

COMMENTS:



SEN. Roy Brown, Chairman


MONTANA STATE SENATE
Roll Call
PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE

DATE: 3-23-'09

[illegible]



SENATE STANDING COMMITTEE REPORT

March 24, 2009

Page 1 of 2

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **House Bill 409** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Roy Brown, Chair

To be carried by Senator Cliff Larsen

And, that such amendments read:

1. Page 9, line 28.

Following: "~~(1)~~"

Insert: "(1)"

2. Page 10.

Following: line 11

Insert: "(2) Except as provided in subsection (3):

(a) a person or entity, including the manufacturer of a cancer drug or device that exercises reasonable care in donating, accepting, distributing, or dispensing a cancer drug or device under the provisions of [sections 1 through 3] and rules adopted by the board, is immune from civil or criminal liability or professional disciplinary action of any kind for an injury, death, or loss to a person or property relating to the accepting, distributing, or dispensing of the cancer drug or device;

(b) a person or entity, unless directly negligent, is not liable for the negligence or lack of care of other persons or entities and is entitled to the immunity of this part.

(3) (a) The donation of a cancer drug or device by the manufacturer of the drug or device does not absolve the manufacturer from criminal or civil liability or increase a liability that would have existed had the drug or device not been donated.

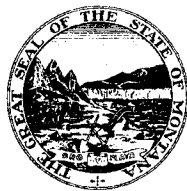
(b) The civil immunity provisions of subsection (2) do not apply to a person employed by or an entity operated by the state

Committee Vote:

Yes 7, No 0

Fiscal Note Required ____

OR



SENATE STANDING COMMITTEE REPORT

March 24, 2009

Page 1 of 2

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **House Bill 85** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Senator Roy Brown, Chair

To be carried by Senator Carol Juneau

And, that such amendments read:

1. Title, page 1, line 11.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 3, line 5.

Following: "department"

Insert: "of public health and human services"

3. Page 5, lines 3 through 5.

Following: "if it is" on line 3

Strike: ":" on line 3 through "(b)" on line 5

Insert: "either"

Following: "7-1-4121"

Strike: "that"

Insert: "and"

Following: "employs"

Insert: "the majority of its"

4. Page 5, lines 11 and 12.

Strike: "FIVE PERCENT" on line 11

Insert: "Up to 5%"

Strike: "MUST BE HELD" on line 11 through "TO" on line 12

Insert: "may"

Following: "PURPOSES"

Committee Vote:

Yes 6, No 1

Fiscal Note Required ____

Strike: "ONLY"

Insert: "each year"

5. Page 5.

Following: line 20

Insert: "(b) one member of the department of public health and
human services;"

Renumber: subsequent subsections

6. Page 9, line 22.

Insert: "NEW SECTION. **Section 13. Termination.** [Sections 1
through 8] terminate June 30, 2011."

- END -

OK

MONTANA STATE SENATE
Roll Call Vote
PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE

DATE 3-23-'09 BILL NO 4685 MOTION NO. _____

MOTION: Conceptional Amendment

<u>NAME</u>	<u>AYE</u>	<u>NO</u>	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE	✓		
SENATOR CAROL JUNEAU		✓	
SENATOR CLIFF LARSEN		✓	
SENATOR DAVE LEWIS	✓		
SENATOR TRUDI SCHMIDT		✓	
SENATOR TERRY MURPHY, VICE CHAIR	✓		
SENATOR ROY BROWN, CHAIRMAN	✓		

MONTANA STATE SENATE

Visitors Register

Public Health, Welfare, and Safety Committee

Date 3-23-54

Bill No. HB 55 Sponsor(s) Sen. L.

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.